

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2439

AN ACT

AMENDING SECTION 41-2636, ARIZONA REVISED STATUTES; RELATING TO
INTERGOVERNMENTAL PROCUREMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-2636, Arizona Revised Statutes, is amended to
3 read:

4 41-2636. Procurement from Arizona industries for the blind,
5 certified nonprofit agencies for disabled
6 individuals and Arizona correctional industries;
7 definitions

8 A. The director shall appoint a committee to determine those materials
9 and services that are provided, manufactured, produced and offered for sale
10 by Arizona industries for the blind, certified nonprofit agencies for
11 disabled individuals and Arizona correctional industries and that satisfy the
12 requirements of state governmental units and to establish a fair market price
13 for all approved materials and services offered for sale that meet these
14 requirements.

15 B. Materials and services from Arizona correctional industries shall
16 be presented to the committee for approval. Office products, vinyl binders
17 and furniture refurbishing services shall be exempt from this article. State
18 governmental units shall purchase office products, vinyl binders and
19 furniture from Arizona correctional industries if each of the following
20 applies:

- 21 1. Such materials and services are readily available.
- 22 2. Such materials and services are capable of timely delivery.
- 23 3. Such materials and services are of equal quality and price for
these same materials and services in the private sector.

24 C. State governmental units shall purchase approved materials and
25 services if such materials and services are readily available.

26 D. Notwithstanding the requirements of section 41-2532, state
27 governmental units and local public procurement units may purchase or
28 contract for any products, materials and services directly from Arizona
29 industries for the blind, certified nonprofit agencies for disabled
30 individuals and Arizona correctional industries without competitive bidding
31 if the delivery and quality of the products, materials or services meet the
32 unit's reasonable requirements.

33 E. Until July 1, 2009:

34 1. All state governmental units shall endeavor to set aside at least
35 one per cent of their new purchases or contracts for any products, materials
36 and services from the entities that are prescribed in subsection D of this
37 section.

38 2. The committee shall meet quarterly to report progress in increasing
39 state governmental purchases or contracts with the entities that are
40 prescribed in subsection D of this section.

41 3. The committee shall submit quarterly reports detailing new
42 purchases or contracts that are entered into pursuant to this subsection to
43 the director, the governor, the president of the senate and the speaker of
44 the house of representatives.

1 F. The committee shall meet during the first month of each fiscal year
2 to determine which articles, products or services Arizona correctional
3 industries, certified nonprofit agencies for disabled individuals and Arizona
4 industries for the blind should continue to manufacture for state use, to
5 advise such agencies and industries of any changes in specifications and to
6 identify new articles or products that should be manufactured.

7 G. For the purposes of this section:

8 1. "Certified nonprofit agency for disabled individuals" means a
9 nonprofit activity center or sheltered workshop that satisfies all of the
10 following:

11 (a) Is organized under the laws of this state or another state, is
12 operated in the interest of disabled individuals and the net income of which
13 does not inure in whole or in part to the benefit of any shareholder or other
14 individual.

15 (b) Complies with any applicable occupational health and safety
16 standard required by the laws of the United States and this state.

17 2. "Disabled individual" means an individual who, because of the
18 nature of the individual's disabilities, is not able to fully participate in
19 competitive employment and for whom specialized employment opportunities must
20 be provided.